

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 SEP 21 P 3: 53

In re:

NEW SEABURY COMPANY  
LIMITED PARTNERSHIP,

Debtor.

Case No. 97-12964-WCH U.S. DISTRICT COURT  
Chapter 11 DISTRICT OF MASS.

NEW SEABURY COMPANY  
LIMITED PARTNERSHIP,

Appellant,

v.

Bankruptcy Appeal  
04-cv-11981-DPW

NEW SEABURY PROPERTIES, LLC,

Appellee,

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

New Seabury Company Limited Partnership, the appellant in the above captioned appeal, and New Seabury Properties, LLC, the appellee hereby jointly move for an extension of the deadlines for filing appellate briefs set forth in this Court's Order dated September 14, 2002 ("the Order"). In support of this Motion, the parties state the following:

1. On September 14, 2002 this Court entered an Order establishing the following briefing deadlines:

- (a) Appellant's brief filed: September 29, 2004;
- (b) Appellee's brief filed: October 14, 2004; and
- (c) Appellant's reply filed: October 25, 2004.

2. Due to the existence of complex factual and legal issues which are to be presented on appeal, and due to pre-existing scheduling conflicts, each party to this appeal respectfully requests a 14 day extension of the briefing schedule to enable that party to adequately prepare its brief.

3. Through this Motion the parties seek entry of an Order extending the deadlines set forth in the Order as follows:

- (a) Appellant's brief filed: October 15, 2004;
- (b) Appellee's brief filed: October 29, 2004; and
- (c) Appellant's reply filed: November 10, 2004.

WHEREFORE, the parties jointly respectfully request that this Court enter an Order:

- 1. Extending the deadlines set forth in the Order in accordance with Paragraph 3 herein; and
- 2. Granting any other such relief as is just and equitable.

Respectfully submitted,

NEW SEABURY PROPERTIES, LLC,  
By its attorneys,

NEW SEABURY COMPANY L.P.

By its attorneys,

/s/ Daniel E. Rosenfeld  
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Dated: September 21, 2004

CERTIFICATE OF SERVICE

I, John J. Monaghan, counsel to the Appellant in the above captioned bankruptcy appeal, do hereby certify that on this 21<sup>st</sup> day of September, 2004, I served a copy of the foregoing motion upon counsel to the appellee by facsimile.

/s/ John J. Monaghan

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